

AN ACT

ENTITLED, An Act to provide for the arrest and detention of certain probationers believed to be in violation of their probation conditions by court service officers or law enforcement officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 23A-27-21 be amended to read as follows:

23A-27-21. A court services officer may arrest and take into custody a person on probation or suspended sentence without a warrant if that court services officer has probable cause to believe that:

- (1) The person has violated the terms and conditions of suspension or probation;
- (2) The person has failed to comply with the court services officer's documented directives;
- (3) The purpose or objects of suspension or probation are not being served; or
- (4) The arrest or taking into custody appears necessary in order to prevent escape or enforce discipline.

Section 2. That chapter 23A-27 be amended by adding thereto a NEW SECTION to read as follows:

A court services officer may issue a verbal or written order authorizing a law enforcement officer to aid a court services officer in making an arrest or taking a person into custody pursuant to § 23A-27-21.

Section 3. That chapter 23A-27 be amended by adding thereto a NEW SECTION to read as follows:

If a court services officer has probable cause to believe a person on probation has violated the terms and conditions of probation, the court services officer may issue a detainer authorizing anyone having the person in custody to detain the person for up to forty-eight hours, excluding Saturdays, Sundays, and holidays, for the purpose of obtaining a warrant, revocation, bond hearing, or court order. The person shall be released after forty-eight hours, excluding Saturdays, Sundays, and

holidays, unless a warrant or court order for further detention has been issued.

An Act to provide for the arrest and detention of certain probationers believed to be in violation of their probation conditions by court service officers or law enforcement officers.

=====

I certify that the attached Act
originated in the

HOUSE as Bill No. 1070

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1070
File No. _____
Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State